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MARK M. FRIEDMAN
c/o ANTHONY CASTORINA
2001 JEFFERSON DAVIS HIGHWAY, SUITE 207
ARLINGTON, VA 22202

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| In re Application of | : | |
| KAPULNIK et al. | : | DECISION ON |
| PCT No.: PCT/IL99/00420 | : | |
| Int. Filing Date: 30 July 1999 | : | PETITION |
| Priority Date: 03 August 1998 | : | |
| Attorney's Docket No.: 01/21632 | : | UNDER 37 CFR 1.10(e) |
| For: METHOD FOR SELECTIVE AND OPTIONALLY | : | |
| REVERSIBLE DEGENERATION OF | : | |
| SOMATIC PLANT TISSUE | : | |

This is a decision on applicants' "Petition under Rule 10(e)" filed in the United States Patent and Trademark Office (USPTO) on 05 February 2001, which is being treated as a petition under 37 CFR 1.10(e) requesting that a "copy" of the Demand filed with the petition be accepted as a replacement for the original Demand filed 23 February 2000.

BACKGROUND

On 30 July 1999, applicant filed international application No. PCT/IL99/00420 which claimed priority of an earlier Israeli application filed 03 August 1998. A copy of the international application was communicated to the United States by the International Bureau on 17 February 2000. On 23 February 2000, a Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 February 2001 (03 February 2001 was a Saturday and 04 February 2001 was a Sunday).

On 05 February 2001, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee and an oath or declaration executed by the inventors.

DISCUSSION

With the petition filed on 05 February 2000, applicants provided a copy of the Demand as originally filed along with a notification of change of address and subagent power of attorney


A review of the application file reveals that a Notification of Election (Form PCT/IB/331) mailed on 18 January 2001 is located in the file contents. The Notification indicates that the Demand was timely received on 23 February 2000 and that the United States was elected. Thus, applicants' petition to accept the Demand as filed on that date is MOOT.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.10(e) is MOOT.

This application is being forwarded to the US Designated/Elected Office for further processing. The change of address and subagent power of attorney will be corrected in PALM. The 35 U.S.C. 371(c) date is 05 February 2001.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office


Richard R. Cole
Legal Examiner
PCT Legal Office

CMK/RRC:cmk

Telephone: (703) 306-5467
Facsimile: (703) 308-6459